
SENATE BILL 5992

State of Washington

60th Legislature

2007 Regular Session

By Senators Honeyford, Schoesler and Rasmussen

Read first time 02/12/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to wildlife damage; amending RCW 77.36.020 and
2 77.36.030; adding a new section to chapter 77.36 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Damage caused by deer grazing on crop lands
6 is detrimental to productive agriculture in Washington state. When the
7 currently authorized methods of addressing problem animals are
8 ineffective, including methods that often times may not be used because
9 of the dangers associated with fire season, responsible farmers and
10 ranchers must be authorized to take actions to protect their
11 livelihood.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.36 RCW
13 to read as follows:

14 (1) The department must issue a farm tag to a farmer or rancher who
15 meets the requirements of this section. A farm tag is valid for
16 hunting deer only on those lands owned or leased by the farmer or
17 rancher who was granted the farm tag.

1 (2) The department must grant one farm tag for every two animals in
2 the highest verified count to a farmer or rancher:

3 (a)(i) Who is able to provide a written demonstration of a loss of
4 production based on yield due to damage caused by deer grazing; and

5 (ii) Who is able to provide photographic or third-party
6 verification of the number of deer on their property at least one time
7 within the preceding thirty-day period; or

8 (b)(i) Who has a count of at least twenty deer on their property a
9 minimum of three times within the preceding thirty-day period; and

10 (ii) Who is able to provide photographic or third-party
11 verification of such a count for at least one of the three occurrences.

12 (3) The department must issue the farm tag within seven days of
13 receipt of a written demonstration of loss of production based on yield
14 as provided in subsection (2)(a) of this section or notice and
15 verification of animal counts as provided in subsection (2)(b) of this
16 section.

17 (4) A farmer or rancher may sell a farm tag to recoup their crop
18 losses or may give a tag away.

19 (5) If the farm or ranch is located in an area where the local
20 legislative authority has restricted the discharge of firearms, weapons
21 used pursuant to a farm tag must be limited to shotguns with slugs,
22 muzzle loaders, or bow and arrow.

23 (6) A farmer or rancher may set the season for a farm tag after the
24 first of August, but may not set the season during any open regular
25 season.

26 **Sec. 3.** RCW 77.36.020 and 2003 c 385 s 1 are each amended to read
27 as follows:

28 The department shall work closely with landowners and tenants
29 suffering game damage problems to control damage without killing the
30 animals when practical, to increase the harvest of damage-causing
31 animals in hunting seasons, and to kill the animals when no other
32 practical means of damage control is feasible. A farmer or rancher may
33 choose to address damage to crop lands caused by deer using the option
34 provided under this section or by using the option provided under
35 section 2 of this act.

36 If the department receives recurring complaints regarding property
37 being damaged as described in this section or RCW 77.36.030 from the

1 owner or tenant of real property, or receives such complaints from
2 several such owners or tenants in a locale, the commission shall
3 conduct a special hunt or special hunts or take remedial action to
4 reduce the potential for such damage. The commission shall authorize
5 either one or two antlerless permits per hunter for special hunts held
6 in damage areas where qualified department staff, or their designee,
7 have confirmed six incidents of crop damage by deer or elk.

8 As an alternative to hunting, the department shall work with
9 affected entities to relocate deer and elk when needed to augment
10 existing herds.

11 **Sec. 4.** RCW 77.36.030 and 1996 c 54 s 4 are each amended to read
12 as follows:

13 (1) Subject to the following limitations and conditions, the owner,
14 the owner's immediate family member, the owner's documented employee,
15 or a tenant of real property may trap or kill on that property, without
16 the licenses required under RCW 77.32.010 or authorization from the
17 director under RCW 77.12.240, wild animals or wild birds that are
18 damaging crops, domestic animals, or fowl:

19 (a) Threatened or endangered species shall not be hunted, trapped,
20 or killed;

21 (b) Except in an emergency situation or as provided under section
22 2 of this act, deer, elk, and protected wildlife shall not be killed
23 without a permit issued and conditioned by the director or the
24 director's designee. In an emergency, the department may give verbal
25 permission followed by written permission to trap or kill any deer,
26 elk, or protected wildlife that is damaging crops, domestic animals, or
27 fowl; and

28 (c) On privately owned cattle ranching lands, the land owner or
29 lessee may declare an emergency only when the department has not
30 responded within forty-eight hours after having been contacted by the
31 land owner or lessee regarding damage caused by wild animals or wild
32 birds, or in cases where damage is caused by deer, the landowner may
33 opt to follow the process set out in section 2 of this act to receive
34 farm tags. In such an emergency, the owner or lessee may trap or kill
35 any deer, elk, or other protected wildlife that is causing the damage
36 but deer and elk may only be killed if such lands were open to public

1 hunting during the previous hunting season, or the closure to public
2 hunting was coordinated with the department to protect property and
3 livestock.

4 (2) Except for coyotes and Columbian ground squirrels, wildlife
5 trapped or killed under this section remain the property of the state,
6 and the person trapping or killing the wildlife shall notify the
7 department immediately. The department shall dispose of wildlife so
8 taken within three days of receiving such a notification and in a
9 manner determined by the director to be in the best interest of the
10 state.

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